

HOUSE BILL 3947
By Briley

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 63 and Title 68, relative to wrongful
disclosures of certain information.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 1, is amended by
adding the following as a new section:

39-14-153.

(a) A person who knowingly and who in violation of title 68, chapter 11, part 3, or
title 63, chapter 2, or any other provision of law that establishes privacy protection for
individually identifiable health information:

(1) uses or causes to be used a unique health identifier;

(2) obtains individually identifiable health information relating to an
individual; or

(3) discloses individually identifiable health information to another person,
shall be punished as provided in subsection (b).

(b) (1) A violation of subsection (a) is a Class A misdemeanor.

(2) If the offense is committed under false pretences, a violation of subsection (a)
is a Class E felony.

(3) If the offense is committed with intent to sell, transfer, or use individually
identifiable health information for commercial advantage, personal gain, or malicious
harm, a violation of subsection (a) is a Class D felony.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.